

By: Walle

H.B. No. 4035

A BILL TO BE ENTITLED

AN ACT

relating to Medicaid reimbursement rates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 32.028, Human Resources Code, is amended by adding Subsection (o) to read as follows:

(o) Notwithstanding any other provision of this section or other law, the executive commissioner shall ensure that the rules governing the determination of rates paid to a medical assistance provider are at least equal to the rates paid under Medicare for the provision of the same or substantially similar services.

SECTION 2. Section 533.005, Government Code, is amended by adding Subsection (f) to read as follows:

(f) In addition to the requirements specified by Subsection (a) and notwithstanding any other law, a contract described by that subsection must require the managed care organization to reimburse a provider who is in the organization's provider network and who provides health care services to a recipient at a rate that is at least equal to the rate paid under Medicare for the provision of the same or substantially similar service.

SECTION 3. (a) The Health and Human Services Commission shall, in a contract between the commission and a managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act, require that the managed care organization comply with Section 533.005(f),

1 Government Code, as added by this Act.

2 (b) The Health and Human Services Commission shall seek to
3 amend contracts entered into with managed care organizations under
4 Chapter 533, Government Code, before the effective date of this Act
5 to require those managed care organizations to comply with Section
6 533.005(f), Government Code, as added by this Act. To the extent of
7 a conflict between Section 533.005(f), Government Code, as added by
8 this Act, and a provision of a contract with a managed care
9 organization entered into before the effective date of this Act,
10 the contract provision prevails.

11 SECTION 4. If before implementing any provision of this Act
12 a state agency determines that a waiver or authorization from a
13 federal agency is necessary for implementation of that provision,
14 the agency affected by the provision shall request the waiver or
15 authorization and may delay implementing that provision until the
16 waiver or authorization is granted.

17 SECTION 5. This Act takes effect September 1, 2021.